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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY
NOTIFICATION

The 25th September, 2023

No.5828/L.A.— The following Bill, which has been introduced in the Odisha Legislative Assembly on the 25th September, 2023 is here with published under rule-68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information

**THE ODISHA CONSOLIDATION OF HOLDINGS AND PREVENTION
OF FRAGMENTATION OF LAND (AMENDMENT) BILL, 2023**

A

BILL

**FURTHER TO AMEND THE ODISHA CONSOLIDATION OF HOLDINGS
AND PREVENTION OF FRAGMENTATION OF LAND ACT, 1972**

BE it enacted by the Legislature of the State of Odisha in the Seventy-fourth Year of the Republic of India as follows:-

Short title and
commencement.

1. (1) This Act may be called the Odisha Consolidation of Holdings and Prevention of Fragmentation of Land (Amendment) Act, 2023.

(2) They shall come into force at once.

Ommission of
Chapter V.

2. In the Odisha Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 (hereinafter referred to as the Principal Act) , Chapter V shall be omitted.

Odisha
Act 21
of 1972

Insertion of
new Section
36 A.

- 3.** In the Principal Act, after Section 36, the following section shall be inserted, namely :—

Validation of
the transactions.

“36A. Any transfer or partition of agricultural land in a locality creating Fragmentation made under the Principal Act before the commencement of the Odisha Consolidation of Holdings and Prevention of Fragmentation of Land (Amendment) Act , 2023, shall be treated as valid:

Provided that cases where any eviction has been made by the Collector under sub-section (2) of Section 35 of the Principal Act as omitted in this Act shall not be reopened.”.

STATEMENT OF OBJECTS AND REASONS

The Odisha Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 has been enacted to provide for consolidation of scattered holdings and prevent fragmentation of holdings for economic farming and increasing agricultural production in the State of Odisha . Section 34 of the said Act prevents fragmentation of Chaka land and as per Section 35 of the said Act, any transfer or partition in contravention of the provisions of Section 34 is void and the transferee is liable to be evicted.

These restrictions adversely affected the rights of the tenants as they are deprived of the right to sell/transfer/partition 'Chaka' land causing fragment in their times of need.

This restriction is also leading to revenue loss in stamp duty and registration fees as the sale transactions of such land are not being registered as deeds of conveyance .This restriction has been a major hindrance in updating of land records and creating future litigation in terms of possession.

In order to overcome such difficulties, it is now proposed to allow fragmentation of consolidated holdings by omission of Chapter V of the said Act . The transactions made in contravention of the provisions of Section 34 of the said Act, it is proposed that all such transfer or partition made prior to and after the commencement of the Odisha Consolidation of Holdings and Prevention of Fragmentation of Land (Amendment) Act, 2023 shall be treated as valid except those cases where any eviction has already been made by the Collector under sub-section (2) of Section 35 of the said Act.

The Bill seeks to achieve the above objectives.

SUDAM MARNDI
Member-in-Charge

DASHARATHI SATAPATHY
OSD-CUM-SECRETARY
ODISHA LEGISLATIVE ASSEMBLY